

U.S. J.C. 81 391-10
OCT 01 2002
PATENT

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Dated: October 1, 2002

Signature:

Monica Thomas
(Monica Thomas)

Docket No.: HO-P02039US1
(PATENT)

TECH CENTER 1600/2900

OCT 07 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tetsuo Ashizawa, et al.

Application No.: 09/942,336

Group Art Unit: 1637

Filed: August 29, 2001

Examiner: Hashemi, Shar S.

For: DNA TEST FOR SCA-10

AMENDMENT AND RESPONSE

Box Non-Fee Amendment

Commissioner for Patents
Washington, DC 20231

Dear Sir:

This submission is in response to the Office Action dated July 3, 2002 (Paper No. 6). Applicants herein affirm election of Group I, claims 1-17. Applicants cancel claims 18-28 but reserve the right to pursue said claims in future prosecution.

Applicants file herewith an Information Disclosure Statement and accompanying references.

Applicants thank Examiners Hashemi and Siew for the interview on September 4, 2002. Pursuant to that interview, please amend the above-identified U.S. patent application as follows:

In the Claims

1. (Once Amended) A method of detecting spinocerebellar ataxia type 10 in a sample containing DNA from an individual to be tested comprising the step of measuring the presence or absence of DNA expansion at a spinocerebellar ataxia type 10 gene locus.

5. (Once Amended) The method of claim 1, wherein the primers are of the sequence from the group consisting of SEQ ID NO: 3 and SEQ ID NO: 4.